

Message Text

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44

ACTION NEA-10

INFO OCT-01 ISO-00 IO-13 DHA-02 CIAE-00 DODE-00 PM-04 H-02

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FM AMEMBASSY ISLAMABAD

TO SECSTATE WASHDC 6776

INFO AMEMBASSY KABUL

AMEMBASSY NEW DELHI

AMCONSUL KARACHI

AMCONSUL LAHORE

AMCONSUL PESHAWAR

LIMITED OFFICIAL USE ISLAMABAD 7704

E.O. 11652: N/A

TAGS: PK, PINS, SHUM, PINT

SUBJ: JUDICIARY RELEASE OPPOSITION LEADERS ON BAIL

REF: ISLAMABAD A-107

1. REFAIR DESCRIBES RECENT PRESIDENTIAL ORDINANCE ENABLING PROVINCIAL HIGH COURTS TO ENTERTAIN APPEALS OF SENTENCES LEVIED BY SPECIAL TRIBUNALS HEARING CASES UNDER DEFENSE OF PAKISTAN ORDINANCE (DPO). DESPITE LAW MINISTER'S EXPLANATION THAT THIS RELAXATION OF DPO WAS LIMITED ONLY TO HIGH COURT REVIEW OF SENTENCES, SUPREME COURT IN A DISPLAY OF JUDICIAL INDEPENDENCE SET PRECEDENT OF DECIDING BAIL COULD BE GRANTED TO THOSE ARRESTED BUT NOT YET TRIED UNDER DPO. LAHORE

HIGH COURT HAS CONTINUED INDEPENDENT JUDICIAL INTERPRETATION OF DPO BY GRANTING BAIL TO SENATOR HANIF RAMAY. AT THE SAME TIME LAHORE HIGH COURT DECIDED TO GRANT BAIL TO OPPOSITION MEMBERS OF THE PROVINCIAL LEGISLATURE KHAKWANI AND RAJA MUNAWAR AS
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WELL AS TO THE QURESHI BROTHERS WHOSE NOW DEFUNCT

URDU DIGEST HAD BEEN OUTSPOKENLY CRITICAL OF THE BHUTTO
REGIME. ON JULY 26, LAHORE HIGH COURT ALSO FREED
OPPOSITION MNA CHAUDHURY ZAHUR ILAHI ON BAIL.

2. LAHORE HIGH COURT ON JULY 26 ALSO GRANTED BAIL BEFORE
ARREST TO FOUR JAMAAT-I-ISLAMI LEADERS. GRANT OF BAIL
BEFORE ARREST IS JUDICIAL PROCEDURE OF LONG PRACTICE IN
PAKISTAN AND IS ANOTHER INDICATION LAHORE HIGH COURT IS
ASSERTING ITS INDEPENDENCE IN MATTERS IT FEELS AS FALLING
UNDER ITS PURVIEW. PLAINTIFFS IN SUCH CASES ARE USUALLY
POLITICAL OPPOSITION MEMBERS WHO FEAR GOP OR PROVINCIAL
GOVERNMENT WILL HARRASS THEM WITH ACCUSATIONS OF SERIOUS
CRIMES. IF JAILED THEY WOULD BE EFFECTIVELY REMOVED
FROM THE POLITICAL PROCESS.
BYROADE

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Message Attributes

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